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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of China

Addendum

Information provided by China in follow-up to the concluding observations*

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Note: The present document is being circulated in Chinese, English, French and Spanish only.

* The present document is being issued without formal editing.

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1. In October 2014, the Committee on the Elimination of Discrimination against Women reviewed the seventh and eighth combined reports on implementation by China of the Convention of the Elimination of All Forms of Discrimination against Women. Since that time, the Government of China has endeavoured continued to make efforts to protect women rights, effectively advanced gender equality, earnestly defended women's rights and safeguarded and promoted women's overall development. Pursuant to the request for follow up contained in the concluding observations (see CEDAW/C/CHN/CO/7-8, para. 78), the Government wishes to set out some of the measures taken and results achieved over the past two years, and to provide the following responses to the questions raised in paragraphs 15 and 31 of the concluding observations:

A. Ensure that women have effective access to justice, including women involved in land claims, by providing legal aid (CEDAW/C/CHN/CO/7-8, para. 15 (a))

2. The Government of China has further promoted reform of the judiciary and has placed additional emphasis on the protection of women's rights. Providing legal aid to women has become a key aspect of legal aid work and a variety of methods have been used to further that goal. An opinion issued in 2015 on improving the legal aid system clearly stipulated that the scope of legal aid, including that provided to women, should be broadened.

3. In order to more effectively safeguard women's land rights, the Government issued an opinion in 2015 on the successful validation, registration and issuance of certificates for rural land contract operating rights. In the opinion, it was clearly indicated that the listing of heads of household or joint owners on the operation rights certificate must embody the principle of equality between men and women and protect the rights and interests of women with respect to land contracting. Various districts have organized specialized training to defend the rights and interests of women with respect to land contract operations. In the validation and registration process, the Government has adhered to the principle of one person, one contract, without loopholes or overlaps. It has included representatives of the All-China Women's Federation on rural land contract arbitration committees. By focusing on the hiring of female arbiters, it has strengthened the forces behind the protection of women's rights and interests. For example, in the city of Rui'an in Zhejiang Province, in the dispute between Jin XX and the members of the village collective, Jin XX, a woman who had married into a rural household, and her daughter, with the support of legal aid services, were awarded equitable land contract rights and the right to the economic benefits flowing therefrom.

4. China has supported non-governmental organizations in providing legal aid services to women. The central government has set up a public interest lottery legal aid fund, with civil society organizations participating in and leading the implementation of women's legal aid programmes. In 2016, that fund put 23 million RMB towards the provision of legal aid to 17,000 women.

B. Establish the independence of judicial organs by, inter alia, preventing all forms of interference by the political branch (CEDAW/C/CHN/CO/7-8, para. 15 (b))

5. China is a socialist country under the rule of law. Governing in accordance with the law is the basic strategy by which the Communist Party of China leads the people and governs the country. The rule of law is fundamental to the governance of

the country. The Constitution of China clearly stipulates that "the people's courts exercise judicial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual" (article 126) and that "the people's procuratorates exercise procuratorial power independently, in accordance with the provisions of law, and not subject to interference by any administrative organ, public organization or individual" (article 131). In accordance with the Constitution, the Criminal Procedure Act, the Civil Procedure Act, the Administrative Procedure Act, the People's Court Organization Act and the People's Procuratorate Organization Act each contain specific and clear provisions with respect to the power of judicial organs to conduct trials and inspections independently, without interference from any administrative body, group or individual.

6. In recent years, the Government of China has bolstered the rule of law, deepened the reform of the judicial system and further optimized the allocation of judicial powers to ensure that the power to conduct trials and inspections is exercised independently and fairly in accordance with the law. Since 2014, the Central Leading Group on Comprehensively Deepening Reforms has reviewed and approved 27 documents on judicial system reform. The Supreme People's Court has issued an opinion on the comprehensive deepening of reform of the people's courts and outlined the fourth five-year plan for the reform of the people's courts. The Supreme People's Procuratorate has formulated and implemented the 2013-2017 work programme related to that opinion. Across the country, the Government has been fully implementing the framework for judicial responsibility, improving the framework for the differentiated management of judicial personnel and establishing regulations to guarantee judicial job security. The Government has also been making progress on four reforms with respect to the management of personnel and the financial and material assets of the people's courts and people's procuratorates at the province level and below, steadily moving forward on the reform of the court procedure framework with a focus on trials. In addition, the Government has been making progress in modernizing the national governance system and its governance capacity, thereby safeguarding judicial fairness and justice and continuously increasing public confidence in judicial affairs.

7. In order to prevent certain entities and individuals from intervening in judicial affairs, in March 2015, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued rules on recording of, reporting on and accountability for interference in judicial activities by officials, while the Politics and Law Committee of the Central Committee reviewed and approved rules on recording of and accountability for excessive inquiries into cases by judicial personnel, which clearly stipulate that "no official is allowed to ask judicial organs to violate their professional responsibilities or procedures for handling cases as determined by the law". Those whose violations of regulations have a negative impact shall be subject to disciplinary punishment in accordance with rules and regulations. Actions that lead to a miscarriage of justice or other serious consequences shall constitute crimes, and the perpetrators shall be held criminally liable in accordance with the law. The Supreme People's Court has also formulated implementation measures for the people's courts on the rules for recording of, reporting on and accountability for interference in judicial activities by officials. The Supreme People's Procuratorate has formulated complementary measures including several regulations on internal supervision and on preventing intercession and other interference in law enforcement and the handling of cases. From a systems perspective, these have further ensured that the people's courts and the people's procuratorates independently exercise the power to conduct trials and inspections, in accordance with laws and regulations, without interference from administrative organs, public organizations or individuals.

C. To adopt more prescriptive temporary special measures, such as quotas, in order to accelerate women's full and equal participation in elected and appointed bodies (CEDAW/C/CHN/CO/7-8, para. 31 (b))

8. China has actively implemented quotas and other temporary special measures in order to promote women's participation in politics. First, China has diligently implemented quota ratios. According to a midterm monitoring report on the Programme for the Development of Chinese Women (2011-2020), the proportion of women who participate in decision-making and management in government and business has increased. The proportion of female members of the National People's Congress, the National People's Political Consultative Congress and the civil service has grown. In 2015, 51.9 per cent of staff hired by central government organs and institutions directly under their jurisdiction were women, as were 38.4 per cent of all worker representatives on boards of directors. In addition, with 49.2 per cent of neighbourhood committee members being women, the relevant goal set forth in the Programme was achieved. As part of the end-of-term transition at the village committee level, all districts have been diligently implementing statutes on village committee elections, including the temporary special measures set forth therein. For example, in 2016, during village committee elections in the municipality of Beijing, a special election was held to choose full-time female members. As a result, 32.4 per cent of newly elected members were women, and all villages have female committee members. The National Human Rights Action Plan for 2016-2020, issued in September 2016, clearly stipulates that, by 2020, at least 30 per cent of village committee members and around 50 per cent of neighbourhood committee members will be women. Second, China has reviewed and amended existing temporary special measures in order better to ensure the equal participation of women in political life and public life. In 2015, the relevant government department issued a circular that clearly stipulated that women officials and senior female technical specialists at the county and subcounty levels could retire upon reaching 60 years of age or, if they so requested, at 55 years of age. At the same time, the Government has been considering a quota system for women's participation in politics as part of efforts to continuously promote their participation.

D. To thoroughly investigate allegations of violence and abuse against women who stand for election as independent candidates and ensure that the perpetrators are prosecuted and adequately punished ((CEDAW/C/CHN/CO/7-8, para. 31 (d))

9. China's election law contains clear provisions on the process for electing representatives to the people's congresses. Such elections, and all election-related activities, must take place within the scope of rules and regulations and be strictly carried out in accordance with the law and procedure. Pursuant to the electoral law, any citizen running for a seat in a people's congress at the county or village level must first get the signatures of voters in that electoral district, with the elections committee reviewing and verifying the status of those voters. Second, pursuant to the electoral law, that person must be recommended as a candidate, either jointly or separately, by a political party, a public organization or by 10 or more voters in the electoral district. Third, once assembled by the elections committee, the candidates are presented to district voters for discussion and consultations. An official list of candidates is constituted in accordance with majority opinion. If necessary, an official list of candidates can be constituted through a primary election. Fourth, the elections committee shall organize and carry out activities to introduce the candidates in a harmonized fashion.

10. As stipulated above, with respect to candidates to the people's congresses at the county and village levels, candidates can be recommended only by political parties, public organizations or voters in accordance with law and procedure. Upon discussion and consultations or a primary election, an official list of candidates shall be constituted.

E. To ensure the implementation of the National Human Rights Action Plan through the adoption of specific measures to promote and facilitate the participation of ethnic and religious minority women (CEDAW/C/CHN/CO/7-8, para. 31 (e))

11. Since 2014, the Government of China has adopted strong measures to ensure that the rights of ethnic minorities and women continue to be safeguarded. The goals of the National Human Rights Action Plan (2012-2015) have been achieved as had been hoped.

12. First, the Government has safeguarded the rights of ethnic minority women to participate in and manage State and social affairs. It has strengthened the training of ethnic minority women officials, chosen outstanding ethnic minority women to attend tertiary educational institutions for ethnic minorities or other universities for undergraduate or continuing education, thereby enhancing their overall qualifications and capacity to participate in politics. In the process of promoting officials, certain preferential policies have been adopted, such as giving preference to female candidates, other considerations being equal. As part of the open process for promoting officials, we have also set aside a portion of posts for women. The number of ethnic minority women officials has increased markedly. For example, in 2015, 36.28 per cent of women officials came from ethnic minorities.

13. Second, the Government has accelerated the development of education for ethnic minorities, thereby raising the capacity of ethnic minority women. The Government has opened schools in ethnic minority districts and put great effort into dual-language education. It has opened girls-only classes and girls-only schools as a means of raising girls' school attendance rates. It has provided study assistance funds to students in ethnic minority regions, reduced or eliminated various school fees and provided adequate assistance to those living in particularly difficult circumstances, thereby raising school attendance and retention rates and improving the overall nutritional situation.

14. Third, the Government has protected freedom of religion or belief for ethnic minority women. The five major religions in China, while observing their respective traditions, have earnestly promoted the rights of women to participate. China's Hui and Uighur nationalities generally follow Islam, while Tibetans generally follow Tibetan Buddhism. The Government has safeguarded the right of Muslim women to participate equally in pilgrimage activities. According to incomplete statistics, each year, women account for around 48 per cent of Muslims in China who go on a pilgrimage. In order to facilitate the participation of Muslim women in religious activities, it is common for mosques in China to open up spaces for women to worship. Some districts have built mosques specifically for women and have employed female imams. With respect to Tibetan Buddhism, temples have been built specifically for female practitioners and equipped with female instructors, all of which have been registered by the Government in accordance with the law. The instructors and temples benefit from all of the Government's social security, medical insurance and other policies that safeguard their rights and interests.

15. Fourth, the Government has carried out activities to promote equality between men and women and safeguarded the equal rights and interests of ethnic minority

women. The State Nationalities Affairs Commission has incorporated all laws and regulations related to the rights and interests of women and children into its awareness-raising plans. It promotes policies on equality among nationalities and equality between men and women through nationwide intellectual contests for ethnic minorities, national conferences on the education of ethnic minorities, award ceremonies for television programmes and films relating to ethnic minorities, awareness-raising training and training for editors of publications on ethnic minorities. By increasing efforts to promote related laws and regulations, it has created an environment in which ethnic minority women are respected and their needs are addressed.

16. In summary, the Government of China hopes that the answers provided above will help the Committee to fully and objectively appreciate the efforts made and the progress achieved by the Government in advancing gender equality and safeguarding women's rights. The Government will continue to assiduously implement the Convention and engage in exchanges and cooperation with the Committee on the basis of equality and mutual respect. It will safeguard the rights and interests of women in accordance with the law, better safeguard women's livelihoods, advance the balanced development of women in the economic and social spheres and promote women's overall development.